

**The Local Government Ombudsman's
Annual Review
Milton Keynes Council
for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

Contents of Annual Review

Section 1: Complaints about Milton Keynes Council 2009/10.....	3
Introduction.....	3
Enquiries and complaints received.....	3
Complaint outcomes.....	3
Liaison with the Local Government Ombudsman.....	4
Training in complaint handling.....	5
Conclusions.....	5
Section 2: LGO developments.....	6
Introduction.....	6
New schools complaints service launched.....	6
Adult social care: new powers from October.....	6
Council first.....	6
Training in complaint handling.....	7
Statements of reasons.....	7
Delivering public value.....	7
Appendix 1: Notes to assist interpretation of the statistics 2009/10.....	8
Appendix 2: Local authority report 2009/10	

Section 1: Complaints about Milton Keynes Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Milton Keynes Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

A total of 64 enquiries and complaints were received about your Council in 2009/2010. Of these, 26 (40%) related to complaints that were deemed to be premature and so were referred back to the council for investigation. This is a high proportion, and the Council may wish to see if it can identify reasons why so many complaints are coming to my office before the Council has considered them. Only four complaints were resubmitted to me after they had been put through the Council's own complaints procedure.

Once again housing generated most contacts; 15 in total, of which eight were passed for investigation. Of these

- three were about housing sales and leaseholds
- three about managing tenancies
- one about homelessness, and
- one about regeneration and improvement

Thirteen contacts were received about planning and building control, of which five were passed for investigation. Three of these were about planning applications and two about enforcement.

Of the remaining complaints that were passed to the investigation team, three were about public finance and four about education. All four education complaints were made by the same complainant about school admissions. Two complaints about consumer affairs were passed to the investigative team, and one each about adult care services, anti-social behaviour, parking and traffic management.

Complaint outcomes

I made 24 decisions on complaints during the year. Eight were outside my jurisdiction and in 11 cases I found no or insufficient evidence of fault to warrant pursuing the complaint.

Local settlements

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In

2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority that were within my jurisdiction only two – 12.5% - were local settlements. These two complaints related to the same planning application.

In these two cases, from two different complainants, I found that the description of the development proposals on the application form were inaccurate and not sufficiently amended by officers. If they had been amended to reflect more accurately the development proposals, I considered it likely that other residents would have been alerted to the true scope of the proposals and would have responded to notification letters. Officers assumed that because there was already a degree of overlooking of one complainant's garden, further overlooking from a closer distance was not significant in planning terms. In the case officer's report there was insufficient assessment of the cumulative impact of proposals and of the massing and scale of the development, particularly in the light of the increase in roof height. At stage 3 of the Council's complaints procedure the investigating officer's report was significantly amended by planning officers to the extent that the credibility of the Council's complaints procedure was undermined. In addition there was a delay of six months in responding to one of the complainant's concerns.

I asked the Council to commission the district valuer to carry out before and after valuations of each property taking account only of the aspects of the new development that he or she considered were not subject to proper consideration; and in respect of which a different decision was likely to have been made, if they had been. I asked the Council to then pay any difference in the value of their respective properties to each complainant and make a payment of £100 to reflect the delay I identified in responding to one of the complaints. I further invited the Council to explain why officers from the service area complained about felt it appropriate to significantly amend the findings of the independent stage 3 investigating officer, and to provide assurances that this would not happen in the future.

I was disappointed to note that the Council agreed to the before and after valuations I proposed with some reluctance. The Council provided further explanation of the process through which the initial stage 3 findings were considered, and offered to amend its procedures to indicate that in future matters should be brought to the attention of the monitoring officer, if officers again changed the outcome of an independent stage 3 investigation. But, I was also disappointed to note that the Council did not provide the undertaking I asked for. I find this to be a matter of concern.

Ombudsman's discretion

Sometimes though the Council may be at fault I use my discretion not to pursue the investigation; often because any fault did not result in any injustice to the complainant. This year I closed three cases using my discretion. In one of these, the Council had decided to re-house the complainant. Since that was a more significant remedy than I would have proposed, there was no reason to continue the investigation.

Liaison with the Local Government Ombudsman

The average time taken by the Council to respond to our enquires was 33.8 days. This is a significant increase of last year's figure of 23.5 days and takes the average response time outside the Ombudsman's target of 28 days. However, we made enquiries on only four complaints during the year, whereas last year we made enquiries on 15 complaints, and on 18 complaints during the year 2007/08. The complaints were about school admissions (34 days), planning applications (38 days) and two anti-social behaviour cases (36 and 27 days respectively).

As I have remarked in previous years, the Council's information and customer liaison officer is consistent in providing constructive, helpful and informative responses and being proactive in trying

to resolve issues of concern.

Training in complaint handling

I would like to take this opportunity to remind the Council that part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your authority's services.

Tony Redmond
Local Government Ombudsman
10th Floor
Millbank Tower
Millbank
London
SW1P 4QP

June 2010

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in **Barking and Dagenham, Cambridgeshire, Medway and Sefton**. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your authority. We will keep you up to date through LGO Link as each development progresses, but if there is anything you wish to discuss in the meantime please let me know.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

Tony Redmond
Local Government Ombudsman
10th Floor
Millbank Tower
Millbank
London
SW1P 4QP

June 2010

Appendix 1: Notes to assist interpretation of the statistics 2009/10

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Premature complaints: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the LGO's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the LGO's jurisdiction.

Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.–

Table 4. Average local authority response times 2009/10

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

LGO Advice Team

Enquiries and complaints received	Adult care services	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	3	0	5	1	2	8	0	6	25
Advice given	1	2	2	0	2	0	1	2	10
Forwarded to investigative team (resubmitted prematures)	0	0	1	0	0	0	1	2	4
Forwarded to investigative team (new)	1	4	7	0	3	5	1	3	24
Total	5	6	15	1	7	13	3	13	63

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	2	0	0	11	3	8	24

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	4	33.8
2008 / 2009	15	23.5
2007 / 2008	18	29.9

Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20